

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

KENNETH EDWARD CHANCE, JR.,

Plaintiff,

v.

Civil Action No. 2:08-01156

JIM RUBENSTEIN, Commissioner, West Virginia  
Division of Corrections; CHARLENE SOTAK,  
Inmate Grievance Coordinator,  
West Virginia Division of Corrections;  
DAVID BALLARD, Warden,  
Mount Olive Correctional Complex;  
WEST VIRGINIA DIVISION OF PURCHASING,  
WEXFORD HEALTH SOURCES, INC.,  
PILAR OBENZA, as Executrix and  
Personal Representative of  
the Estate of DR. EBENEZER OBENZA, M.D.;  
and DR. SUHBASH GAJENDRGADKAR, M.D.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion for summary judgment filed by the West Virginia Division of Purchasing ("DOP") (Doc. No. 88), on March 25, 2010. By Standing Order, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Stanley submitted to the court her Findings and Recommendation on July 20, 2010, in which she recommended that the Defendant's motion for summary judgment be granted. (Doc. No. 112).

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Findings and Recommendation. The failure of any party to file such objections within the time allotted constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). Neither party filed any objections within the time allotted.

Accordingly, the court **ADOPTS** and incorporates herein the Magistrate Judge's PF&R. The court **ORDERS** that the Defendant West Virginia Division of Purchasing's Motion for Summary Judgment is **GRANTED**. (Doc. No. 88).

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to Plaintiff, pro se, and counsel of record.

**IT IS SO ORDERED** on this 12th day of June, 2012.

ENTER:

A handwritten signature in dark ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge